IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34048 of 2007(C)

PETITIONER:

SASEENDRAN NAIR,EDAVILAKATHU VEEDU
NEDUMANOOR, PUNALAL P.O., VELLANAD,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SMT.SREEDEVI KYLASANATH

RESPONDENTS:

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1. **STATE OF KERALA REPRESENTED BY**
   PRINCIPAL SECRETARY
   CO-OPERATIVE DEPARTMENT
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE REGISTRAR**
   CO-OPERATIVE SOCIETIES,
   KERALA THIRUVANANTHAPURAM.

3. **THE ARBITRATOR CUM SALES OFFICER**
   KERALA STATE CO-OPERATIVE HOUSING FEDERATION,
   THIRUVANANTHAPURAM.

4. **THE DISTRICT COLLECTOR**
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
ADV. SRI.A.K.CHINNAN
SMT.SUSAL A. CHINNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.34048 of 2007

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Dated this the 27th day of November, 2007

JUDGMENT

The petitioner borrowed a sum of Rs.25,000/- as Housing Loan from the Nedumangad Housing Co-operative Society. The same has not been repaid. The Special Arbitrator-cum-Sales Officer of the Kerala State Housing Federation demanded payment of the outstanding amounts totalling Rs.27,735/- with interest @ 12.75% on Rs.25,000/- from 26.09.2005. Petitioner did not availed of the One-Time-Settlement facility when the scheme for the purpose was in force. Therefore, the respondent initiated recovery proceedings for recovery of the outstanding amounts. The petitioner is challenging recovery proceedings which have culminated in sale of attached properties belonging to the petitioner. Petitioner now confines his relief for facility to pay the amount in instalments.

2. I have heard the learned counsel for the petitioner and also the standing counsel appearing for the Kerala State Co-operative Housing Federation. The standing counsel stoutly opposes the prayer. According to him, the petitioner has not

availed of any opportunity extended to him for payment of the amounts, as such it is too late now for the petitioner to seek instalment facility is the contention raised.

3. Taking into account the facts and circumstances of the case, I am of the opinion that some leniency can be shown to the petitioner in the matter of payment of the amounts in instalments. Accordingly, the petitioner shall pay the outstanding amounts due in six equal monthly instalments starting from 15.12.2007. Every subsequent instalment shall be paid on the 15th working day of every succeeding month. If the petitioner pays the instalments in time further recovery proceedings shall be kept in abeyance. However, if the petitioner fails to pay any one instalment it would be open to the respondents to continue proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

The writ petition is disposed of accordingly.

S.SIRI JAGAN, JUDGE

dvs